

Remarks

Reconsideration is respectfully requested of the objection to the disclosure. The suggested amendments have been made to the specification and it is believed that these amendments have removed the basis for the objections. Applicant appreciates the Examiner's care in reviewing the application.

Reconsideration is respectfully requested of the rejection of claims 1 through 3 and 5 as being unpatentable over Owens under 35 USC 102. The reference does not disclose or suggest the claimed invention. As noted by the Examiner, the reference does not disclose or suggest a structure that includes a means to store a plumb bob therein. Moreover, the reference does not disclose or suggest a structure that has means for assessing the true status of a steel door frame in relation to three dimensional space.

Only applicant has disclosed the claimed invention to those of ordinary skill in the art. It is only by reference to applicant's disclosure that one of ordinary skill in the art would be able to reconstruct the reference and achieve applicant's claimed invention.

Reconsideration is respectfully requested of the rejections of claims 1 through 3, 5, 6, 9, 10, 12 and 14 under 35 USC 102 and of claims 7 and 8 under 35 USC 103 over Walters. Applicant notes that claims 9 and 10 depend from claims 6, 7 and 8 and add further elements to those claims and are more narrow than the parent claims as required by 35 USC 112, paragraph 2. Walters has the

same deficiencies as Owens. As note be the Examiner, Walters does not disclose or suggest the claimed invention. With regard to claims 1-3 and 5, Walters does not disclose or suggest any tool that has means for storing a plumb bob therein.

The reference does not disclose any structure which can gauge the accuracy and true of an installed steel door in relation to three dimensional space. Further, the reference does not have the claimed structure and function of the claimed magnetic bars as claimed in claims 7 through 10. The reference does not have the additional means claimed in claims 12 and 14.

*re discloses  
a bar*

Applicant respectfully traverses the Examiner's holding regarding claims 7 and 8. The case cited does not preclude patenting applicant's claimed invention. As claimed, the magnetic bars are spaced. The function and structure claimed are not disclosed or suggested by a single magnetic bar. Further, claims 7 and 8 depend from independent claim 6 which is patentable over the cited reference. The reference does not disclose or suggest the structure of claim 6. For example, the reference does not have a base and magnetic attachment as claimed. The reference does not disclose or suggest a first flange extending from the base and having an outer surface defining a second reference plane. The reference does not disclose a second flange extending from the base and spaced from the first flange. The reference does not disclose or suggest that a second flange be parallel to a first flange. The reference does not disclose or suggest that a second flange as claimed has an aperture therethrough for receiving a plumb bob.

It is only by reference to applicant's disclosure that one of ordinary skill in the art would be lead to reconstruct the reference and achieve applicant's claimed invention.

Reconsideration is respectfully requested of the rejection of claims 4, 11, 13 and 15 through 16 as being unpatentable under 35 USC 103 over Walters in view of Lee. Lee does not supply the deficiencies of Walters noted above. There is no suggestion in Lee that could lead one of ordinary skill in the art to reconstruct the structure disclosed by Walters and achieve the claimed invention. The two references teach apart. It would require the complete destruction of both references and their reconstruction to achieve the claimed invention. One skilled in the art would require applicant's teaching to achieve the claimed invention. For example, neither reference has any disclosure or suggestion that would lead one of ordinary skill in the art to produce the structure of claim 13. Only applicant has provided that disclosure. Neither reference has any disclosure or suggestion for the two flange structure of claim 15. Only applicant has provided that disclosure.

The references of record which have not been applied against the claims are noted. It is appreciated that they also do not disclose or suggest the claimed invention, taken singly or in any combination.

Attached hereto is a marked-up version of the changes made to claims 1 by the current amendment. The attached page is captioned "Version with markings to show changes made."

In' summary, it is respectfully suggested that the claims are patentable over the references of record. A speedy and favorable reconsideration is respectfully requested.

Version with markings to show changes made

Claim 1 (as once amended). A tool for inspecting and gauging the accuracy of an installed steel door frame structure, the tool having a means for removable attachment to a frame, the attachment means including a magnet, the tool also having means for gauging the condition of the frame in relation to a true status, the gauging means including a plumb bob, the tool having means for storing the plumb bob within the tool, the gauging means including means for assessing the true status of a frame in relation to three dimensional space.

Respectfully submitted,



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